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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PIERRE AARON HUDSON, individually,

Plaintiff,

vs.

Case No.: 2:24-cv-00983-RFB-MDC

**FIRST AMENDED JOINT PROPOSED
DISCOVERY PLAN AND SCHEDULING
ORDER**

LTF CLUB OPERATIONS COMPANY
INC., dba LIFE TIME ATHLETIC, a foreign
corporation; ROE GYM EQUIPMENT
MANUFACTURER; ROE GYM
EQUIPMENT MAINTENANCE
COMPANY; DOES I through X, inclusive;
and ROE CORPORATIONS III through X,
inclusive,

Defendants.

**SUBMITTED IN COMPLIANCE WITH
LR 26-1(b)**

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1, the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. **Meeting:** Pursuant to FRCP Rule 26(f) and LR 26-1, a meeting was held on March 6, 2025, and was attended telephonically by Brett J. Schwartz, Esq., of THE702FIRM, for

1 Plaintiff; Nikki L. Baker, Esq. of PETERSON BAKER, PLLC, and M. David Short, Esq. of
 2 QUARLES & BRADY LLP for Defendant Life Fitness, LLC; Thane A. Williams, Esq. of
 3 LITCHFIELD CAVO, LLP for Defendant LTF Club Operations Company, Inc.

4 2. **Initial Disclosures:** The parties shall make all disclosures required by Rule
 5 26(a)(1) by March 20, 2025, and will immediately engage in discovery.

6 3. **Areas of Discovery:** The parties agree that the areas of discovery should include,
 7 but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil
 8 Procedure.
 9

10 4. **Discovery Plan:** The parties jointly propose to the Court the following discovery
 11 plan:

12 A. **Discovery Cut-off Date(s):** The parties request that discovery closes on
 13 September 2, 2025, which is 180 days after the date of the parties' Rule 26(f) conference.

14 B. **Amending the Pleadings and Adding Parties:** The parties shall have until
 15 June 4, 2025, to file any motions to amend the pleadings to add parties. This is 90 days before the
 16 discovery cut-off date.
 17

18 C. **FRCP 26(a)(2) Disclosure of Experts:** Disclosure of experts shall proceed
 19 according to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: Plaintiff's disclosure of experts
 20 and their reports shall occur on or before July 3, 2025. Defendants' disclosure of experts and their
 21 reports shall occur on or before August 4, 2025. Plaintiff's expert disclosure deadline is 61 days
 22 before the discovery cut-off date because the 60th date falls on Friday, July 4, 2025, a non-judicial
 23 day. Defendants' rebuttal expert disclosure deadline is 29 days after Plaintiff's initial expert
 24 disclosure deadline because the 30th date falls on Sunday, August 3, 2025, a non-judicial day.
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26 D. **Interim Status Report:** The parties shall file the interim status report by
 27 July 3, 2025, 61 days before the discovery cut-off date because the 60th date falls on Friday, July
 28 4, 2025, a non-judicial day, as required by LR 26-3.

1 E. **Dispositive Motions:** The parties shall have until October 2, 2025, to
 2 file dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1
 3 (e)(4).

4 F. **Pre-Trial Order:** The parties will prepare a Consolidated Pre-Trial Order
 5 on or before November 3, 2025, which is 32 days after the date set for filing dispositive motions in
 6 the case because the 30th date falls on Saturday, November 1, 2025, a non-judicial day, as required
 7 by LR 26-l(e)(5). This deadline will be suspended if dispositive motions are timely filed until 30
 8 days after the decision of the dispositive motions or until further order of the Court. The disclosure
 9 required by FRCP Rule 26(a)(3), and objections thereto, shall be included in the pre-trial order.

10 G. **Court Conferences:** If the Court has questions regarding the dates
 11 proposed by the parties, the parties request a conference with the Court before entry of the
 12 Scheduling Order. If the Court does not have questions, the parties do not request a conference
 13 with the Court.
 14

15 H. **Extensions/Modifications of the Discovery Plan and Scheduling Order:**
 16 Under LR 26-4, any stipulation or motion to extend the discovery cut-off period should be
 17 made no later than 21 days before the subject deadline.
 18

19 I. **Authorizations:** It is agreed that Plaintiffs will provide Defendants with:
 20 HIPAA Complaint Authorizations for the Release of Patient Information Pursuant to 45 CFR 164.
 21

22 J. **Format of Discovery:** Pursuant to the electronic discovery amendments to
 23 the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the
 24 ediscovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do
 25 not anticipate discovery of native files or metadata at this time, but each party reserves the right to
 26 make a showing for the need of such electronic data as discovery progresses.

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1 K. **Alternative Dispute Resolution:** The parties certify that they have met and
 2 conferred about the possibility of using alternative dispute-resolution processes including
 3 mediation, arbitration, and if applicable, early neutral evaluation.

4 L. **Alternative Forms of Case Disposition:** The parties certify that they
 5 agreed to trial by a magistrate judge under 28 U.S.C. section 636(c) and Fed. R. Civ. P. 73.
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7 M. **Electronic Evidence:** The parties certify that they discussed whether they
 8 intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The
 9 parties have not reached any stipulations in this regard at this time.

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 19 4. **Excusable Neglect Concerning Delay:** The parties note that the defendant first
 20 appeared on May 24, 2024, when it removed the matter to this Court. LR 26-1(a) required the
 21 parties to have conducted the Rule 26(f) conference by June 23, 2024, and have submitted the
 22 stipulated discovery plan and scheduling order by July 7, 2024. LR IA 6-1(a) and LR 26-3 require
 23 the parties to show failure to act timely was the result of excusable neglect. In May and June of
 24 2024 the office of counsel for Plaintiff was in the process of implementing a complete changeover
 25 of case management software, including calendaring procedures. This led to Plaintiff's failure to
 26 schedule the Rule 26(f) conference, which counsel for the Defendants relied upon the Plaintiff to
 27 initiate. The parties realized the error and worked together to conduct the conference and submit
 28

a joint proposed discovery schedule. All parties are actively engaged in discovery. The parties submit the above showing excusable neglect and articulating why the stipulation is late.

DATED on this 17th day of April, 2025.

THE702FIRM INJURY ATTORNEYS <u>/s/ Brett J. Schwartz, Esq.</u> MICHAEL C. KANE, ESQ. (10096) BRADLEY J. MYERS, ESQ. (8857) BRETT J. SCHWARTZ, ESQ. (13755) 8335 West Flamingo Road Las Vegas, Nevada 89147 <i>Attorneys for Plaintiff</i>	LITCHFIELD CAVO LLP <u>/s/ Thane A. Williams, Esq.</u> MARISA A. POCCI, ESQ. (10720) THANE A. WILLIAMS, ESQ. (15991) 3993 Howard Hughes Parkway, Suite 100 Las Vegas, NV 89169 <i>Attorneys for Defendant LTF Club Operations Company, Inc.</i>
PETERSON BAKER, PLLC <u>/s/ Nikki L. Baker, Esq.</u> NIKKI L. BAKER, ESQ. (6562) 701 S. 7 th Stret Las Vegas, NV 89101 <i>Attorneys for Defendant Life Fitness, LLC</i>	

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: 4-21-25
